

“YOU CAN DO BETTER”

Hon. Anna M. Manasco

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*Hon. Anna M. Manasco**

It is a happy privilege for me to share a tribute to my longtime mentor, Chief Judge Bill Pryor. I first met Chief Judge Pryor during his tenure as Alabama attorney general, when I was sixteen years old and preparing to represent the Great State of Alabama at Girls Nation in Washington, D.C. One of Alabama Girls State’s most famous alumna, Governor Kay Ivey,¹ arranged and directed the meeting as part of a series of prep sessions. (At that time, she was in public service with the Alabama Commission on Higher Education.²)

The session with Chief Judge Pryor occurred in a mock whistle-stop format in which these illustrious public servants peppered me with difficult political questions that they anticipated I might receive from other Girls Nation Senators. They were too gracious to say it out loud, but there was some healthy pressure. The prior year, an Alabama delegate had been elected President of Girls Nation.³ Expectations were high, and this was **intense**.

I do not recall the specific questions Chief Judge Pryor asked, but I vividly recall the first piece of advice he gave me after he heard my answer: “You can do better.” I also recall the relief I felt when he followed that advice by stating his (much better) answer. In the twenty-five years that have elapsed since, I have come to understand—and deeply appreciate—that this exchange perfectly reflects his model of generous mentorship: believe in the people you encourage, give them candid and direct advice, and set an example for them.

The world needs more mentorship like his, so I’m devoting my Essay solely to this topic in the hopes that it will inspire readers much as it inspires me. After careful reflection, I’ve selected seven key lessons that Chief Judge Pryor has impressed upon me to share here. I’ve intentionally omitted the long list of specific substantive legal lessons I learned from him—I’ll shatter the word limit if I include those. Some of the lessons I’ve chosen to discuss have to do with the practice of law and some don’t, but all of them greatly improved me as a lawyer. I am honored to have the opportunity to celebrate them and publicly thank him for them. And if the rest of us can impress these kinds of lessons on our own mentees, that will be a truly lasting tribute to Chief Judge Pryor.

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1. *About Governor Ivey*, OFF. OF THE GOVERNOR, STATE OF ALA., <https://governor.alabama.gov/governor/> [https://perma.cc/AYP9-X49P].

2. *Governor Kay Ivey*, APPALACHIAN REG’L COMM’N, <https://www.arc.gov/staff/governor-kay-ivey/> [https://perma.cc/VK3S-MXA6].

3. *General Information and History, Alabama at Girls State*, AM. LEGION AUXILIARY (ALA) ALA. GIRLS STATE, <http://www.alabamagirlsstate.com/alabama-at-girls-nation.html> [https://perma.cc/RP3Z-WSVK].

I. YOU CAN *ALWAYS* DO BETTER

Chief Judge Pryor is a lifelong learner. He is almost always consuming information and curating his views about it. The information might be about the law, or the administration of justice, or history, or football, or exercise, or travel, or pop culture. Whatever it is about, it interests him, he wants to know how to put it to good use, and there is urgency to the task.

Chief Judge Pryor is among the most intellectually curious people I’ve ever encountered, and his curiosity seems indomitable. If he has ever felt intellectually saturated or exhausted, I’ve never observed it (or even heard of it). Most of us have days when we run out of gas, or when we feel that our minds are on overload. Not him.

I’m actually not sure I’ve ever even seen him fully intellectually satisfied—even when he has learned enough about something to understand it thoroughly and well, he maintains an openness to learning more about it and thinking about it from new angles. Even when he has learned enough about something to have a deep conviction about his view on it, he continues to study it. He asks difficult questions (both in conversation and from the bench), and he has high expectations for good answers. He refuses to let an understanding or idea become stale or weak.

Learning is one of those things that can happen to you, or that you can do. Chief Judge Pryor does it. In a world that is increasingly technical and specialized, and in which echo chambers are often too easy to find, lifelong learning demands intention and effort. Chief Judge Pryor’s steady belief that he can learn more and do better is contagious, and I’m thankful for that.

II. AMONG THE HARD WORKERS, THE SMART WORKERS STAND OUT

Chief Judge Pryor has very high standards. If you’ve taken one of his classes, served as one of his law clerks, or worked with him as a colleague, you laughed at that last sentence because it is such an understatement. Hard work is not easy, and it must be **very** good. But the quest for excellence cannot be unbounded, lest perfect become the enemy of very good. The world turns by the clock, and as a practical reality, doing excellent work too slowly is a serious occupational hazard for many judges. Just not for Chief Judge Pryor.

C.S. Lewis famously said that “the future is something which everyone reaches at the rate of sixty minutes an hour, whatever he does, whoever he is.”⁴ Among Chief Judge Pryor’s talents is that he can do in sixty minutes more than many of us can do in a day. When I clerked for Chief Judge Pryor, I learned

4. C.S. Lewis: *Quotes*, GOODREADS, <https://www.goodreads.com/quotes/30980-the-future-is-something-which-everyone-reaches-at-the-rate> [https://perma.cc/95MR-XEMA].

much of what I know about how to use my sixty minutes. Law school taught me a lot, but not that.

I learned most of what I know about how to read and write efficiently during my clerkship year. I learned how to decide what to read first when I start on a file (do not just start with whatever is on top). I learned how to decide what to research first when I start on a difficult legal question (make a diagram or list of what you need to know and in what order). I learned how to put arguments in the most efficient order in a bench memo or draft opinion (diagram or list helps here, too). I learned how to draft a document efficiently (do not start with the first word and do not end with the last).

I learned how to ask a question efficiently and how to answer a question efficiently (like most professionals with a full plate, he will listen patiently, but not forever). I learned how to organize voluminous materials for someone else's study in a logical and compelling way (sometimes chronological order is not helpful). I learned how to curate and organize my own professional materials so that I could put my hands on things without delay (the world belongs to the organized).

I learned how to approach difficult questions without getting hung up on irrelevant points or distracted with goose chases through evidentiary records or legal databases. I learned that workflows and collaborative processes can function effectively as quality controls (cite checks are critical). These lessons have since served as a solid foundation for my private practice and my own chambers.

If each of us is fortunate, we'll spend much of our lives in circumstances where hard work alone will not set us apart. Our friends and colleagues also will be bright and hardworking. We will have to distinguish ourselves in some other way, on some other metric. Chief Judge Pryor shows us how: work smart, not just hard.

III. IT IS WHAT IT IS

Because Chief Judge Pryor served as an elected official before he became a judge, some of his views on controversial political issues are well known. Plus, judges are human, and sometimes the result that the law requires in a particular case may not be what the judge personally would have preferred. I am sure that at some point during my clerkship year, these two truths converged to mean that Chief Judge Pryor voted for a result in a case that did not particularly please him in one way or another. I don't know though, because I never heard him discuss his personal preferences about a case before him. Ever.

This was a liberating approach for us law clerks. If the expectation is that you'll conform your recommendations to what the law requires, you don't have to worry about disappointing the boss by telling him something he doesn't want to hear. You also don't have to sink any time or energy into trying to justify or

dress up a result that you feel might be undesirable. You just work the case up, give your advice, and move on. The law is what it is, and it is a relief not to have to try to put lipstick on a pig.

There are many compelling reasons why the work should occur this way (i.e., the rule of law, and the judicial oath), but for purposes of my discussion about mentorship, here is the big one: we cannot expect lawyers to deliver objective advice to their clients—or ethical advocacy to courts—if they have been trained only to please. Lawyers must be able to honestly assess what the law requires and the relative strengths and weaknesses of their arguments, and lawyers must be able to explain and defend these assessments to clients, adversaries, and courts. Everyone who clerks for Chief Judge Pryor cultivates this critical skill, and each of us can tell you stories about times it served us well.

IV. STEWARD RESOURCES WELL

Chief Judge Pryor is well known among judges for his belief in the importance of stewarding well public funds (and this belief goes back to his time as attorney general). But that commitment is only partially about money; it’s also about resources, and it includes his team. Judges have a lot going on, and teaching brand new lawyers how to be very good lawyers takes time. For a law clerk who has not previously worked in private practice, the clerkship is the first real experience in apprenticeship. Even the smartest and hardest-working law clerks need substantial teaching.

The best judges bring out the best in their law clerks and then push them to do better. Over and over again, such that improvement comes repeatedly and incrementally. Come to think of it, the same is true of the best law firm partners. And the best colleagues, and even the best friends.

Chief Judge Pryor is generous in the extreme on this. He invests a lot of time and heart in his law clerks. His former law clerks. His law students. His former law students. Court staff and other public servants. Even some teenager getting ready for Girls Nation! The number of people he regularly advises and improves boggles the mind. The many contributors to this volume represent only a tiny fraction of the true number. As each of his mentees shares with others what he has shared with us, his sphere of influence will be the gift that keeps on giving.

V. COMMUNICATE WELL, OR LOSE

Chief Judge Pryor believes deeply in the power of the pen. He has rules for good writing. Some he collected from Judge Wisdom, and those are called Wisdom’s Idiosyncrasies.⁵ Some he prepared himself, and those are called Pryor

5. See John Minor Wisdom, *Wisdom’s Idiosyncrasies*, 109 YALE L.J. 1273 (1999).

Restraints. And the rules are not the only resources. Past opinions illustrate how legal analysis should be structured and supported. He sets forth clear expectations and procedures for how work will be done. And on the first day of my clerkship, I found a copy of Strunk and White's *Elements of Style*⁶ in my desk chair. (I figured that the message was that I was supposed to read it before I used the chair, so I read it standing up.)

These rules and resources were immensely helpful to me, and I still rely on many of them in my own writing. They make compelling writing feel achievable, even when a big project feels intimidating.

But as I reflected for this Essay, I realized that Chief Judge Pryor's rules aren't limited to writing. He likes short declaratory sentences in conversation just as much as he likes them on the page. The same is true for precise language. He is equally unlikely to use a run-on sentence in a document and have a stream-of-consciousness conversation. When he asks a question, it is incisive regardless of whether he spoke it or wrote it. There is no word salad ever or in any form. Words are just like other resources: use them efficiently and steward them well.

Different lawyers have different skills and specialties, but the most effective lawyers communicate well. It helps to have all the law and all the facts on your side, but most cases are a mixed bag. Persuasive advocacy really matters, and Chief Judge Pryor has mentored countless law students and young lawyers on their journey to grow into great communicators.

VI. WORK HARD, PLAY HARD, ROLL TIDE

Before I was confirmed, a friend said to me that as a federal judge, I would receive my work on a steady conveyor belt from the Clerk's Office and would no longer need to develop business or clients as I had in private practice. He was right. Every case on the conveyor belt is different, and sometimes it might seem that the belt is running at a particularly high speed or delivering particularly heavy things. The belt never stops. After I was confirmed, I quickly learned the secret about the belt: you can manage it, or it can manage you. The work cannot pile up, but if you spend every day trying to work your to-do list to zero, you'll never succeed, you'll always be harried, and the quality of your work will probably suffer.

Chief Judge Pryor has this one figured out too: work hard, play hard. For him, Alabama Crimson Tide football has a lot to do with this. He has been an avid fan for his entire adult life (and then some). He knows almost as much about the Tide as he does the law. His pride in high-profile wins for the Tide is similar to his pride in an important judicial opinion. One of the best field trips we took during my clerkship year was to Tuscaloosa to see the Bear Bryant Museum and tour the Crimson Tide athletic complex.

6. WILLIAM STRUNK JR. & E.B. WHITE, *THE ELEMENTS OF STYLE* (4th ed. 1999).

Developing tunnel vision is an occupational hazard for hardworking lawyers. When you go to dinner and friends ask what you’re reading, your mind wanders to drafts of appeal briefs and deposition transcripts. Chief Judge Pryor models that this is not the way. During my clerkship year, he regularly inquired about our lives outside the office. He knew about our families and our interests. He expected us to enjoy life outside of work. It would have concerned him if we didn’t.

There are baby showers and birthday parties in Pryor Chambers on the regular, because he genuinely wants to celebrate the lives of the people with whom he works. On the many occasions I’ve called him since that year to ask for advice, he always inquires about life outside of work. I have seen Chief Judge Pryor live the phrase “work-life balance” well countless times.

VII. TAKE CARE OF YOURSELF

I am dating myself with this one, but I clerked for Chief Judge Pryor before “wellness” was a word that lawyers regularly used. But he was already on it. Trendsetting, you might say.

We were welcome to exercise during the lunch hour. We were welcome to join him on a run or at a spin class. We were welcome to drink his (very good, from New Orleans) coffee. We ate well together and often. Mondays were reserved for barbeque, Tuesdays through Thursdays we compared what we brought from home to see who had the tastiest healthy dish, and Fridays were reserved for fish. These were not perks, they were just how he ran chambers. He worked hard and we did, too; but he did not run himself into the ground, so I perceived no expectation that we would, either.

We smiled and laughed often. We took field trips. When we traveled for court sittings, we enjoyed getting to know other judges and law clerks. Even when we debated difficult cases, we disagreed fruitfully and without being disagreeable. I like to think that we are better lawyers because of all these things.

It mattered to Chief Judge Pryor that we were well, and he never doubted that we could both be well and do our work well. During my clerkship year, I was a pregnant parent to a toddler, so there were plenty of wellness challenges. I felt (and was) fully supported at work. The ease and success of that juggle that first year laid the foundation for my understanding that it really could be done well for many years to follow.

I’m not a wellness expert, and I don’t understand how wellness got away from—and got so complicated for—lawyers and the legal community. But I do know that I’m very grateful that I’ve had Chief Judge Pryor’s example on this. We can be what we can see, and I was a better lawyer later because I was able to see meaningful wellness right at the start of my legal career.

* * *

Twenty years into his remarkable and illustrious time on the bench, there is much to celebrate and honor about Chief Judge Pryor's judicial service. I am privileged to share a small fraction of the important professional lessons Chief Judge Pryor has taught me along the way, and I encourage each of you to share them with others.